



Edwin W. Kelly  
Administrative Judge

## State of New Hampshire Judicial Branch Family Division

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### THE STATE OF NEW HAMPSHIRE Family Division

#### ADMINISTRATIVE ORDER 2005-01

Pursuant to authority conferred by Supreme Court Rule 54 (5) (c), the following Administrative Order is issued:

#### **STANDING ORDER RELATIVE TO GUARDIAN *AD LITEM* APPOINTMENT**

This order applies to all Guardian *ad Litem* appointments unless its terms are altered by an order entered in a specific case. Any changes in the order or the stipulations must be in writing and filed with the court.

##### 1. GUARDIAN *AD LITEM* STIPULATION:

In every case in which a Guardian *ad Litem* is appointed, the parties and the Guardian shall file a stipulation as to the following issues:

- a. Expenses for which the Guardian *ad Litem* will be reimbursed;
- b. Guardian *ad Litem* hourly billing rate and maximum fee;
- c. Frequency of billing, terms of payment, and payment of retainer;
- d. The names of the individuals requested to be interviewed by the Guardian *ad Litem*, including names, addresses, telephone numbers and relationship to party or child, listed in order of importance. The Guardian *ad Litem* shall have the discretion to decide which individuals to interview;
- e. Manner in which the Guardian *ad Litem* will communicate with each party's references (e.g., office conference, telephone call, letter);
- f. Action(s) the Guardian *ad Litem* will take if unable to contact a reference;

- g. Whether the Guardian *ad Litem* will visit each party's home;
- h. Whether conversations between the Guardian *ad Litem* and the children will be confidential;
- i. Other orders necessary to protect confidentiality; and
- j. Dates by which parties will execute authorizations for reports. Specify records to be requested.

If this stipulation is not filed by the date set forth in the Order on Appointment of Guardian *ad Litem*, the court shall schedule an immediate enforcement hearing at the request of the Guardian *ad Litem* or either party.

## 2. GUARDIAN AD LITEM FEES:

- a. The Guardian *ad Litem* shall be compensated at the rate of \$60.00 per hour. The maximum fee (including costs) shall not exceed \$1,000.00 for any case, whether paid by the parties or by the fund, and shall include attendance at hearings.
- b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.
- c. The maximum fee shall not be exceeded without prior approval of the court after hearing with the parties and the Guardian *ad Litem* present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.
- d. When the parties are paying the cost of the GAL, the \$60.00 per hour rate and the \$1,000.00 maximum fee may be waived upon written agreement of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties. The fund will not pay for private fee agreements.
- e. Fees for evaluations will not be paid from the GAL fund. If counseling, therapy or evaluations are recommended by the GAL, no expenses for those may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders upon motion of either party, or *sua sponte*, to authorize specific additional services with appropriate limits on payment.

## 3. COMMENCEMENT, SUSPENSION AND RESUMPTION OF WORK:

The Guardian *ad Litem* shall commence an investigation on receipt of the Order of Appointment and shall diligently investigate the case, and prepare a report. If the parties agree to suspend the investigation and preparation of a report for any reason, they shall immediately seek the assent of the Guardian *ad Litem* to such suspension and file with the Court a written agreement to suspend the Guardian *ad Litem*'s work. This agreement shall be signed by all parties, including the

Guardian *ad Litem* who shall suspend work on the case on receipt of notice that the Court has approved the agreement.

A party desiring that the Guardian *ad Litem* resume work on the case shall immediately file an appropriate motion and shall send a copy of the motion to the Guardian *ad Litem* who shall resume work in that case only on receipt of the court's notice that the motion has been granted.

4. PLEADINGS AND STIPULATIONS:

Each party shall certify on every pleading that s/he has mailed or delivered a copy of the pleading to the Guardian *ad Litem*.

The parties may agree on any issue concerning the child(ren) or incapacitated adult, and shall certify that s/he has mailed or delivered a copy of the written agreement to the Guardian *ad Litem*. The Guardian *ad Litem* may sign the agreement or file an objection, if appropriate, within ten days from the date of mailing or delivery.

November 9, 2005

Edwin W. Kelly, Administrative Judge  
New Hampshire Judicial Branch Family Division